IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,		
Plaintiff,		**4:13CR3069**
vs.		
RAKESHKUMAR VASANTLAL PATEL,		**MEMORANDUM AND ORDER**
Defendant.		

IT IS ORDERED:

1.   Defendant's motion for an evidentiary hearing on his Motion to Suppress, (Filing No. 36), is granted.

2.   Because the United States has not objected to the Defendant's Motion for Leave to File an Motion to Dismiss for Improper Venue, (Filing No. 33), that motion is granted. Defendant shall file his Motion to Dismiss for Improper Venue on or before August 8, 2013.

3.   An evidentiary hearing on defendants Motion to Suppress, (Filing No. 31) and his Motion to Dismiss for Improper Venue, (Filing no. 33), will be held before the undersigned magistrate judge on August 28, 2013 beginning at 1:00 p.m. in Courtroom #2, United States Courthouse, Lincoln, Nebraska. Three hours have been set aside for this hearing. With respect to the Motion to Dismiss for Improper Venue, the parties should be willing to discuss the discrepancy between the Indictment, which states the criminal conduct occurred in Omaha, Nebraska and the United States' Brief in Opposition which states the alleged misconduct took place in Atlanta, Georgia. See Filing No. 37, at CM/ECF p. 16.

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4.   The defendants, their counsel, and counsel for the government shall be present at this hearing.

5.   Pursuant to NECrimR 12.5, copies of all exhibits expected to be offered into evidence during the hearing, except those to be used for impeachment only, shall be delivered to the chambers of the undersigned at least twenty four (24) hours before the hearing and, at the outset of the hearing, to the extent reasonably possible, the parties shall provide the undersigned and the courtroom deputy with a written list of all witnesses the parties expect to call.

Dated this 2nd day of August, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge